REMARKS

After entry of the amendments, claims 56-59, 61, 63-65 and 67-79 are pending. New claims 70-79 conform to the scope of compounds that independent claim 56 recites and they thus conform to the restriction requirement that the Office imposed for independent claim 56. Claim 56 is amended to include a definition for the variable group R^{PR}, support for which is at, e.g., page 10, lines 16-27.

The new claims rejoin compositions for consideration when the Office identifies patentable subject matter for treatment method claims 56-59, 61, 63-65 and 67-69. The previously presented composition claims are withdrawn. Support for new claims 70-79 is at, e.g., pages 38-39 and 74-75. This disclosure describes specific moieties and/or configurations for variable groups including R^5, R^6, R^{18} and R^{19}, including -H, -OH, -CCH, -$CCCH^3$ and =NOH, which the new claims recite.

The amendments introduce no new matter.

DOUBLE PATENTING

Office provisionally rejected claims 56-59, 61, 63-65 and 67-69 of the present patent application as obvious over (1) claim 15 of copending patent application No. 10/319,356 and (2) claims 45 and 48 of copending patent application No. 10/814,503. The rejections are under the judicially created doctrine of obviousness-type double patenting. Applicants respectfully traverse the rejections.

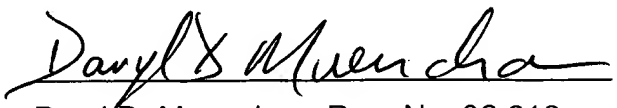
The judge made law of obviousness-type double patenting was developed to cover the situation where patents or applications are not citable as a reference against each other and therefore can not be examined for compliance with the rule that only one patent is available per invention. Double patenting is thus applied when neither patent is prior art against the other, usually because they have a common priority date. *Eli Lilly and Co. v. Barr Laboratories Inc. et al.*, 251 F.3d 955, 58 U.S.P.Q. 2D 1865 (Fed. Cir. 2001).

Claim 15 of copending patent application No. 10/319,356 has been canceled and the claims in that application now recite treatment of inflammation conditions. In view of this, the provisional rejection should be moot. In addition, copending application No. 10/319,356 recited treatment using a new crystalline form of a single compound, which none of claims 56-59, 61, 63-65 and 67-69 in this application recite. The subject matter presently claimed in the present application was thus not obvious in view of subject matter originally claimed in copending application No. 10/319,356. Applicants request reconsideration and withdrawal of the provisional rejection over claim 15 (now canceled) of copending patent application No. 10/319,356.

Copending patent application No. 10/814,503 and the present application do not share any common priority date, which is typically the situation for double patent to apply. *Eli Lilly and Co*, cited above. The earliest priority date that copending patent application No. 10/814,503 claims is April 1, 2003. Priority dates for the present application include September 30, 1999. In view of this, application of judicially created obviousness-type double patenting does not properly apply to these two patent applications. Applicants also note that the presently claimed invention and the invention claimed at claims 45 and 48 of copending application No. 10/814,503 do not overlap, contrary to the Office's implied assertion at page 3 of the office action. Applicants request reconsideration and withdrawal of the provisional rejection over claims 45 and 48 of copending patent application No. 10/814,503.

Respectfully submitted,

Date: May 8, 2006



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